

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rule making related to five-year rules review and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 38, “Developmental Disabilities Basic State Grant,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 225C.3 and 225C.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 225C.3 and 225C.6.

#### *Purpose and Summary*

This chapter was reviewed as part of the Department’s five-year rules review. The proposed rule making updates the definition of “developmental disability” to include infants and children starting at birth and increase the age limit from five to nine years old. An Iowa Code reference is also proposed to be updated.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 13, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

#### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—38.1(225C,217)**, definition of “Developmental disability,” as follows:

*“Developmental disability”* means a severe, chronic disability of a person ~~5 years of age or older~~ which is attributed to a mental or physical impairment or a combination of mental and physical impairments; is manifested before the person attains the age of 22; is likely to continue indefinitely; substantially limits the person's ability to carry out major life activities in at least three of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency; and reflects an ongoing need for individualized, coordinated services. The term, when applied to infants and children from birth to the age of ~~5~~ nine, means a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

ITEM 2. Amend rule 441—38.4(225C,217), introductory paragraph, as follows:

**441—38.4(225C,217) Conflict of interest policy.** All Iowa DD council members and those serving in an advisory capacity to the Iowa DD council as ~~defined~~ described in ~~441—subparagraph 1.7(8)“c”(2)~~ Iowa Code section 225C.5 shall not engage in activities that present a conflict of interest.